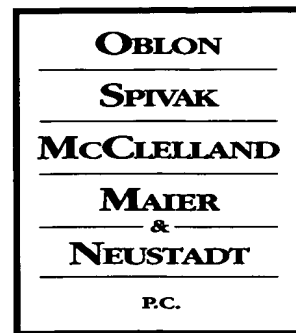




Docket No.: 240309US0DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/617,654
Applicants: Shoichi ISHII
Filing Date: July 14, 2003
For: SWEETENER COMPOSITIONS AND USES
THEREOF
Group Art Unit: 1761
Examiner: Wong, L.A.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Vincent K. Shier, Ph.D.

Registration No. 50,552

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

DOCKET NO.: 240309US0DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF:

:

Shoichi ISHII

: GROUP ART UNIT: 1761

SERIAL NO.: 10/617,654

:

FILED: JULY 14, 2003

: EXAMINER: WONG, L. A.

FOR: SWEETENER COMPOSITIONS AND USES THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the Official Action dated May 18, 2004, Applicants elect, with traverse, Group I, Claims 18-42, drawn to a composition comprising an aspartyl dipeptide ester compound and at least one compound selected from the group consisting of sugar, sugar alcohol and oligosaccharide and method of imparting a sweet taste, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 18-42, drawn to a composition comprising an aspartyl dipeptide ester compound and at least one compound selected from the group consisting of sugar, sugar alcohol and oligosaccharide and method of imparting a sweet taste; and
- Group II: Claims 43-56, drawn to a product having a bitter taste comprising an aspartyl dipeptide ester compound and a method of correcting the taste of a product.

Applicants elect, with traverse, Group I, Claims 18-42, drawn to a composition comprising an aspartyl dipeptide ester compound and at least one compound selected from the

group consisting of sugar, sugar alcohol and oligosaccharide and method of imparting a sweet taste, for further prosecution

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I and II both contain the compound of formula (1) and both are classified in the same subclass (class 426, subclass 548).

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)
SGB:VKS